



MINUTES OF A SPECIAL MEETING

OKLAHOMA FUNERAL BOARD

3700 N. Classen, Suite 175
Oklahoma City, Oklahoma 73118

May 14, 2020

BOARD MEMBERS

Tom Coble
J. Cooper
Joe Highberger
Todd Martin
Jim Roberts
Chad Vice

STAFF

Chris Ferguson
Martha Kulmacz, AAG
Thomas Schneider, AAG
Karol Shepherd
Tyler Stiles

MEETING PLACE: **Videoconference on Go to Meeting**

<https://www.gotomeeting.com/meeting/join-meeting>
Meeting ID number: 731864109

A Board virtual meeting of the Oklahoma Funeral Board was held on May 14, 2020 at 10:00 a.m. via videoconference in accordance with the Administrative Procedures Act, and the Open Meeting Act as amended by HB 661 signed into law by Governor Stitt on March 18, 2020. Members of the public attended the meeting via Videoconference on Videoconference on Go to Meeting (<https://www.gotomeeting.com/meeting/join-meeting> Meeting ID number: 731864109). Appearing remotely via videoconference for the meeting will be Board members; Tom Coble, J. Cooper, Joe Highberger, Todd Martin, Jim Roberts, and Chad Vice. Board staff Chris Ferguson, Tyler Stiles, AAG Martha Kulmacz and Thomas Schneider, AAG also appeared remotely via videoconference. Karol Shepherd attended via teleconference.

Continuing Education credit was not provided for this meeting.

President Vice called the meeting to order at 10:00AM. Board Members Coble, Cooper, Highberger, Martin, Roberts, and Vice were present. Member Longanacre was absent. A quorum was at all times present.

Board President Vice updated the Board on the COVID-19 situation in Oklahoma. Vice explained the following: Tomorrow, May 15, 2020 begins "Phase 2" of Governor Stitt's

plan to reopen Oklahoma. Vice provided his understanding of the plan to reopen as follows:

The Department of Commerce's website states, "Larger funerals may resume on May 15 with appropriate social distancing guidelines in place. Individuals should consult with the venues to ensure appropriate social distancing and the maximum number of guests. They could offer seating with six feet distance between family groups and/or alternating rows and pews. Funeral service venues should follow guidance for places of worship. Funeral receptions venues should follow guidance for restaurants." Here is the link for additional information: <https://www.okcommerce.gov/covid19/open-up-recover-safely-ours-plan-faqs/>

Vice recommends following three simple steps of approval before scheduling funerals with participation larger than 10:

1. Obtain approval from your respective city government. Many municipalities have their own "orders" to follow. Make sure you are informed of what these are.
2. Obtain approval from all places of worship or other hosting venues before obligating a day and time of a funeral or memorial service to a family.
3. Obtain approval from restaurants, receptions centers or other hosting venues before obligating a day and time of a celebration reception or anything related to this.

Vice read the following from the Oklahoma Department of Health:

The State Registrar is pleased to announce that Vital Records will be re-opening its lobbies on June 1. Due to social distancing requirements, the lobby will be limited to 25 customers only, including funeral directors. Funeral directors will only be able to drop off applications and/or pick up records as staff will be working to get as many of the public through each day as possible. Visitors and funeral directors at the OKC office will be checked in near the parking area upon arrival, public applications will pre-screened, and then everyone will be placed on a waiting list. If you choose to utilize the lobby services, you are encouraged to arrive early. Lobbies in the Tulsa and McAlester offices will also be limited. Vital Records hopes funeral directors found the on-line portal a cost-effective and easy to use alternative while the lobbies were closed. During this unprecedented time, Vital Records was very fortunate to have the portal available, so staff could be sent home. Every single order for a death record that was on file was issued the next day. During this time, VitalChek generously waived the \$6 portal fee for 30 days for any funeral director who had not used the portal in the past 6 months. With summer approaching, the demand for birth certificates will increase significantly as families prepare for back-to-school and residents seek to obtain RealID compliant driver licenses. Social distancing will remain in place so Vital Records wants to offer an alternative solution to their lobbies for both the public and funeral directors. They have worked diligently with VitalChek to come up with a less expensive solution that you will hopefully find value in. Effective Monday May 18, any funeral director who wants to order records using a bank transfer instead of a credit card will be able to use the portal for only \$3. Credit card orders will remain \$6. Discounts for online orders have also

been developed for the public to help reduce the number of people seeking service in the lobby. More information on this will be forthcoming from Vital Records by the end of the week.

Vital Records wants to thank the funeral directors and their staff for their patience these past several weeks. It has been a trying time for everyone and they want to pass along their appreciation for complexities you have worked through to serve the families and keep them safe.

Oklahoma Funeral Director Association Update by a representative of OKFDA- Gordon Welch reported that OKFDA has been in constant contact with the Governor's Office, and the Oklahoma City and Tulsa Mayors' Offices. At this time the Governor's Office states that funerals, weddings and other large gatherings will be limited to 50 or fewer. The OKC and Tulsa Mayors' office General Counsel have not committed to anything as of yesterday. OKFDA is working on the Convention for July 26 – 28 at the WinStar World Resort. Right now OKFDA's main function is answering questions from funeral homes and individuals from the State. Legislation is a bit tricky right now since the Legislature's focus is on budgetary items. Senators were told to pick the one Bill he/she thought would pass and move it forward.

HB4041 by Speaker McCall (OKFDA BILL) Public health; requiring release of certain records and information to funeral directors and embalmers. This Bill will require nursing homes, VA, Hospitals and all other entities to inform the Funeral Home before pick-up if the decedent has any communicable disease. THIS BILL HAS BEEN SIGNED BY THE GOVERNOR.

HB3743 Sims An Act relating to vital records; amending 63 O.S. 2011, Section 1-324, which relates to certified copies of records; directing the State Commissioner of Health to contract with the Oklahoma Tax Commission; providing for issuance of certified death certificates at local tag agencies. Thus, allowing you to pick up Death Certificates at the Tag Agency. HEALTH DEPT DOES NOT SUPPORT THIS Passed out of House to Senate – to include an \$8 fee to Tag Agency – Second reading in HHS.

HB3544 Ms. Townley Authorizing an advanced practice registered nurse to sign a death certificate. Welch will ask the committee to include a Nurse Practitioner as many people are seeing them as family Doctors. Passed House in Senate.

HHS SB1893 Ms. Bice & Miller An Act relating to infant mortality (sudden unexplained infant death investigation); requiring ME's office to examine within 48 hours Passed out of Senate to House – Second reading direct to calendar.

SB447 by Mr. Newhouse The State of Oklahoma shall establish a program to provide assistance for the funeral expenses of all members of the National Guard, police, state troopers, firefighters and first responders who have died in the line of duty while under state orders. The program shall provide a grant for funeral expenses for any person who qualifies as determined by the Oklahoma Homeland Security Director. Maximum reimbursement shall not exceed Ten Thousand Dollars (\$10,000.00) Referred to Appropriations (House Author) Will probably Die.

SB 1311 Pederson An Act relating to cemeteries; providing for method of burial space reversion; providing certain guidelines for notification process; providing certain remedy for certain claims. This Bill will allow cemetery owners to retain a cemetery plot if not

used within 75 years. If a family member (in the 76th year of ownership) comes to use the property they will be given a plot near the same area if possible. Sent to Judiciary. SB1839 Ms. Hicks Department of Human Services is authorized to make the necessary funeral arrangements and pay any reasonable burial expenses incurred upon the death of a child or a ~~retarded person~~ an individual with intellectual disability who is either in the custody of the Department or is a resident of an institution under the jurisdiction of the Department. This is a verbiage change only Second Reading Do Pass Sent to HHS and Appropriations.

HB 2830 by Mr. Gann Sunset; Oklahoma Funeral Board; re-creating the Board; modifying termination date. You may not know, but the Funeral Board is "sunset" every 6 years and this is the 6th year. This Bill is required to keep the Funeral Board Operating. Do Pass mended to 1 Year Engrossed to Senate – referred to General Government.

HB1710 This Bill will change the waiting period of a death without a body present from 7 years to 2 years with required information entered into the National Database. This has been difficult as it needed special handling. Speaker of the House Charles McCall has been a huge help on this. Died in Committee.

Reading of the Oklahoma Funeral Board mission statement-The mission of the Oklahoma Funeral Board is to act in the public interest and for the protection of the public within the powers vested in the Board by the State of Oklahoma for the regulation and education of the funeral service profession.

Motion by Highberger second by Martin to approve the April 9, 2020 Special Board meeting minutes. The motion passed unanimously.

The Board took no action on complaint 19-36- FTC Issues.

Motion by Highberger second by Cooper to dismiss complaint 19-63 regarding next of kin issues. The motion passed unanimously.

Regarding Matters for consideration: Consent Orders. Complaint 20-23 Palmer Marler Funeral Home, Establishment, Cushing; Ironwood Funeral Group, LLC., Owner; Riley Castor, FDIC, Agra. Riley Castor was present by videoconference and was not represented by an attorney. The prosecution was represented by Martha Kulmacz, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Cooper, Highberger, Martin, and Vice heard the case. Member Roberts was recused and he disconnected his microphone and camera for the case.

After presentation of the Consent Order by Martha Kulmacz, motion by Highberger second by Cooper to approve the Consent Order. The Consent Order consisted of the following: The agreed violations were: Violations of the Funeral Service Licensing Act; and Rules of the Board; and Failure to maintain five caskets in the selection room, failure to maintain prices on the caskets, and failure to display establishment license. The terms consisted of the following; Administrative penalty of \$2,000.00; and costs of \$550.00. The motion passed unanimously.

Regarding Matters for consideration: Consent Orders. Complaint 20-27 Bradley Family Funeral Home & Cremation Service, Establishment, Muskogee; A.Z.E. Enterprises, LLC, Owner; Curtis Mike Brown, FDIC, Sallisaw; Michael Hart, Licensee, Curtis Mike Brown and Michael Hart were present by videoconference and were not represented by an attorney. The establishment and owner was not present but were represented by attorney Larry Morgan who was present by videoconference. The prosecution was represented by Martha Kulmacz, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Cooper, Highberger, and Vice heard the case. Member Roberts was still recused and remained disconnected from his microphone and camera for the case. Member Martin also recused and he disconnected his microphone and camera for the case.

After presentation of the Consent Order by Martha Kulmacz, motion by Highberger second by Cooper to approve the Consent Order. The Consent Order consisted of the following: The alleged violations included: Violation of the Funeral Service Licensing Act; and Rules of the Board; FTC violations; Ethics violations including Integrity, and Specific Rules of Conduct. The terms consisted of the following; Removing the \$955.00 casket cost, Administrative penalty for Bradley Funeral Home of \$1,500.00; for Curtis Mike Brown of \$1,500; for Michael Hart of \$1,500.00; each funeral director must complete three additional hours of Continuing Education; and costs of \$1,250.00. The motion passed unanimously.

Member Martin reconnected his microphone and camera and rejoined the meeting.

Regarding Matters for consideration: Consent Orders. Complaint 20-30 Kyle Humphries, Licensee, Moore. Kyle Humphries was present by videoconference and was not represented by an attorney. The prosecution was represented by Martha Kulmacz, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Cooper, Highberger, Martin and Vice heard the case. Member Roberts was still recused and remained disconnected from his audio and camera for the case.

After presentation of the Consent Order by Martha Kulmacz, motion by Highberger second by Coble to approve the Consent Order. The Consent Order consisted of the following: The agreed violations were; violations of the Funeral Service Licensing Act; and Rules of the Board; and Continuing Education violation. The terms consisted of the following; Administrative penalty of \$300.00; one hour of additional Continuing Education; and costs of \$200.00. The motion passed unanimously.

Member Roberts reconnected his microphone and camera and rejoined the meeting.

Regarding Matters for consideration: Consent Orders. Complaint 20-33 Smith-Gallo Funeral Home, LLC, Establishment, Guthrie; Smith-Gallo Funeral Home, LLC, Owner; John B. Gallo, FDIC, Guthrie. John B. Gallo was present by videoconference and was not represented by an attorney. The prosecution was represented by Martha Kulmacz, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble,

Cooper, Highberger, Martin, and Roberts heard the case. Member Vice was recused and he disconnected his microphone and camera for the case.

After presentation of the Consent Order by Martha Kulmacz, motion by Cooper second by Coble to approve the Consent Order. The Consent Order consisted of the following: The agreed violations were: Body intake violation, violations of the Funeral Service Licensing Act; and Rules of the Board. The terms consisted of the following; Administrative penalty of \$250.00 and costs of \$250.00.

Regarding Matters for consideration: Consent Orders. Complaint 20-37 Dudley Funeral Home-Waurika, Establishment, Waurika; Dudley Funeral Home, Inc. Owner; America Dudley, FDIC, Waurika. America Dudley was present by videoconference and was not represented by an attorney. The prosecution was represented by Martha Kulmacz, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Cooper, Highberger, Martin and Roberts heard the case. Member Vice was still recused and remained disconnected from his microphone and camera for the case.

After presentation of the Consent Order by Martha Kulmacz, motion by Coble second by Highberger to approve the Consent Order. The Consent Order consisted of the following: The agreed violations were: Body intake violation, violations of the Funeral Service Licensing Act; and Rules of the Board. The terms consisted of the following; Administrative penalty of \$250.00 and costs of \$250.00. The motion passed unanimously.

Member Vice reconnected his microphone and camera and rejoined the meeting.

Regarding Matters for consideration: Consent Orders. Complaint 20-08 Kenneth Anglin Jr., Funeral Director and Embalmer, Watonga. Kenneth Anglin was present by videoconference and was not represented by an attorney. The prosecution was represented by Martha Kulmacz, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Highberger, Martin, Roberts, and Vice heard the case. Member Cooper was recused and he disconnected his microphone and camera for the case.

After presentation of the Consent Order by Martha Kulmacz, motion by Roberts second by Highberger to approve the Consent Order. The Consent Order consisted of the following: The agreed violations were: Violation of the Funeral Service Licensing Act; and Rules of the Board; Material Misrepresentations on new establishment application; Ethics violations including Integrity, and Specific Rules of Conduct. The terms consisted of the following; Administrative penalty of \$2,000.00; Funeral Directors and Embalmers licenses suspended for thirty days, and costs of \$1,250.00. The balance due on the Administrative penalty and costs is to be paid at \$500.00 per month until paid in full. The motion passed unanimously.

Regarding Matters for consideration: Consent Orders. Complaint 20-11 Kenneth Anglin Jr., Funeral Director and Embalmer, Watonga. Kenneth Anglin was present by

videoconference and was not represented by an attorney. The prosecution was represented by Martha Kulmacz, AAG. Thomas Schneider, AAG, was the Board's legal advisor. Members Coble, Highberger, Martin, Roberts, and Vice heard the case. Member Cooper was recused and he disconnected his microphone and camera for the case.

Motion by Highberger second by Roberts to table this complaint and hold an evidentiary hearing at the Board Meeting scheduled for Aug 13, 2020. The motion passed unanimously.

Member Cooper reconnected his microphone and camera and rejoined the meeting

Motion by Coble second by Roberts to approve the following: Apprenticeship (Original) Breanne Strawn, Yukon, Ingram, Smith & Turner Mortuary, Yukon and Naomi Kemper, Mustang, Corbett FH, OKC. The motion passed unanimously.

Motion by Roberts second by Cooper to deny the following: Apprenticeship (1st extension) Jennifer Ragland, Luther, Lehman FH, Wellston (not enrolled in Mort College). The motion passed with Vice abstaining.

Motion by Roberts second by Martin to approve the following: Apprenticeship (1st extension)- Melanie Holcomb, Edmond, Bill Eisenhower FH, OKC (enrolled at UCO); Apprenticeship (FD only)- Kimberly Clark, Tishomingo, DeArman-Clark FH, Tishomingo; Apprenticeship (FD only) (1st extension)- Kristen Hutchison, Guthrie, Hays FH, Guthrie, (enrolled at UCO) and Apprenticeship (FD only) (2nd extension)-Robert Stevens, Wheatland, Temple & Son FH, OKC (enrolled at UCO). The motion passed unanimously.

Motion by Coble second by Cooper to table the following: Funeral Director and/or Embalmer (Reciprocal) Clifford Fitch, Texas. The motion passed unanimously.

Motion by Martin second by Roberts to approve the following: Funeral Director and/or Embalmer (Original) Josie Albright, Edmond (FD only) and Rubith Lujan, Edmond. The motion passed unanimously.

Motion by Coble second by Cooper to table the following: Gary White, Broken Arrow (FD only); Joshua Linn, Muskogee; and Debra Provaznik, Prague, (EM only). The motion passed with Martin abstaining.

Motion by Roberts second by Coble to approve the following; Establishments-Checotah Funeral & CS, Checotah, request to change FDIC from Curtis Brown to Darell Buck; Don Grantham FH, Duncan, request to change FDIC from Billy Jackson Jr. to Linda Newsom; Cornerstone FH, Muskogee, request to change FDIC from Gary Cooper Jr. to Stacy Donelson; Vondel Smith & Son Mortuary South Lakes, OKC, request to change FDIC from Stephen Hopkins to Margie Bone; and Vondel Smith & Son Mortuary, OKC,

request to change FDIC from Stephen Hopkins to Derek Czajkoski. The motion passed unanimously.

Executive Director's Report -Agency Financial update- Mr. Ferguson reported gross receipts for April 2020 to be \$8,885.00 with \$650.00 going to the State of Oklahoma general fund. The expenses for the same timeframe totaled \$34,350.06 and net income after expenses totaled -\$26,115.06

Motion by Cooper second by Roberts to Adjourn the meeting at 11:25AM. The motion passed unanimously.

Chad Vice
Funeral Board President